

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70619 of 2023**

Arising Out of PS. Case No.-901 Year-2022 Thana- PATNA COMPLAINT CASE District-  
Patna

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1. Shail Singh W/O Late Birendra Kumar Singh R/O Mohalla- Teachers Colony, Lakhibagh Manpur, Gaya, P.S- Muffasil, Distt.- Gaya.
  2. Anurag Kumar Singh S/O Late Birendra Kumar Singh R/O Mohalla- Teachers Colony, Lakhibagh Manpur, Gaya, P.S- Muffasil, Distt.- Gaya. At Present Residing At 228/C/2, Wp Block, Pitampura, Sarwati Bihar, North-West, Delhi.
  3. Jyoti Prabha @ Jyoti Prabha Kumari W/O Anurag Kumar Singh R/O Mohalla- Teachers Colony, Lakhibagh Manpur, Gaya, P.S- Muffasil, Distt.- Gaya. At Present Residing At 228/C/2, Wp Block, Pitampura, Sarwati Bihar, North- West, Delhi.
  4. Rimjhim Kumari W/O Upendra Narayan Singh R/O Village- Rupchakiya, P.S- Chandi, Distt.- Bhojpur.
  5. Upendra Narayan Singh S/O Late Ram Pukar Singh R/O Village- Rupchakiya, P.S- Chandi, Distt.- Bhojpur.
  6. Aradhana Kumari W/O Prem Anand @ Prema Nand Premi Residing At Flat No. B/207, Jeetrivara, Opposite Grape Wine Hotel Ram Nagar Prao Road P.S- Ram Nagar, Distt.- Varanashi (UP).
  7. Prakash Prasad @ Prem Prakash S/O Late Jageshwar Mahto R/O Village- Nanouk, P.S- Buniyadganj, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Kumari D/O Subhash Chandra Gupta And Wife Of Parag Kumar Singh R/O Mohalla- Raj Nagar, P.P.S More, P.S- Danapur, Distt.- Patna.

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Aditya Narain Singh with<br>Mr. Indra Bhushan Tiwary, Advocates |
| For the State        | : | Mr. Ajay Kumar No. 2, APP                                           |
| For the O.P. No. 2   | : | Mr. Kumar Rajeev, Adv.                                              |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      09-11-2023                      Heard Mr. Aditya Narain Singh, learned counsel  
  
                                                 appearing on behalf of the petitioners and Mr. Ajay Kumar No.  
  
                                                 2, learned Additional Public Prosecutor for the State. The



opposite party no. 2 (complainant) is represented by Mr. Kumar Rajeev, learned counsel.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 901C of 2022 wherein cognizance has been taken under Sections 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. The allegation against the petitioners is of demand of dowry and torture.

4. It is submitted on behalf of the petitioners that the petitioner no. 1 is the widow mother-in-law whereas petitioner no. 2 is the elder brother of the husband of the complainant and petitioner no. 3 is the wife of petitioner no. 2 and both are residing in Uttar Pradesh. He further submits that petitioner no. 4 is the married sister of the husband; petitioner no. 5 is the husband of petitioner no. 4 and both are residing at Village-Rupchakiay, District Bhojpur; petitioner no. 6 is married sister of husband of the complainant and is residing with her husband at Gaya whereas petitioner no. 7 is the father -in-law of petitioner no. 6. It is next submitted that admittedly the marriage was solemnised way back in the year 2017 and soon after the marriage it is alleged that the complainant was subjected to demand of dowry and ousted from the matrimonial house but



surprisingly the present complaint has been instituted after a delay of five years in the year 2022. Moreover, the manner in which the complaint has been filed speaks volume about the vexatious attitude of the complainant. He next submits that the husband is not before this Court and he is pursuing his remedy for bail which is pending before this Court.

5. On the other hand, learned counsel for the State as well as the opposite party no. 2 vehemently oppose the bail application and submit that the specific allegation has been levelled against all the petitioners as to how the complainant was subjected to torture at their hands.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the marriage was solemnized in the year 2017 and even as per the case of the petitioner, the complainant was ousted from her matrimonial house in the year 2017 itself, and the present complaint has been instituted in the year 2022, coupled with the fact that the petitioners are having fair antecedent, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1<sup>st</sup> Class, Danapur in connection with Complaint Case No. 901C of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

**(Harish Kumar, J)**

Anjani/-

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